UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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SOUTHERN DISTRICT COURT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Cesar JIMENEZ-Limon,** Defendant	Magistrate Docket No. '08 MJ 0736
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 06, 2008** within the Southern District of California, defendant, **Cesar JIMENEZ-Limon,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **MARCH 2008**

~~Leo S. Papas~~
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Cesar JIMENEZ-Limon

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 06, 2008, Border Patrol Agent J. Zielinski was assigned to line watch duties in an area known locally as the 50's Cuts in eastern San Diego County. This area is approximately three miles west of the Tecate, California Port of Entry and approximately one mile north of the International Border between the United States and Mexico. Groups of undocumented aliens frequently use this area to further their illegal entry into the United States.

At approximately 11:00 p.m., Agent Zielinski responded to the scope operator who had a visual of ten individuals located south of his location. The individuals were confirmed by the scope operator to be making their way north down a cut in the mountain commonly used by illegal aliens. Upon arriving in the area, Agent Zielinski met with Agent P. Campbell. They concealed themselves behind some rocks and waited for the group of individuals to reach their location. Approximately 45 minutes later, the ten individuals approached the agent's position. Agents Zielinski and Campbell approached the individuals and identified themselves as Border Patrol Agents in the English and Spanish languages. The agents then questioned each of them separately to determine their citizenship and immigration status. All subjects, including one later identified as the defendant **Cesar JIMENEZ-Limon**, stated that they were citizens and nationals of Mexico illegally present in the United States. The defendant admitted that he had illegally crossed the border near Tecate, California through the mountains. At approximately 11:50 p.m., all subjects including the defendant were arrested and transported to the Brownfield Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 01, 2003** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on March 08, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 06, 2008**, in violation of Title 8, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

3/9/08 12:56pm
Date/Time